



# Journal of the Senate

Number 2

Wednesday, April 6, 1977

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Ware—

**SB 590**—A bill to be entitled An act relating to intangible personal property tax; adding paragraph (g) to s. 199.072(1), Florida Statutes, exempting from intangible personal property tax the assets of a corporation registered under the Investment Company Act of 1940 of the United States; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Ware—

**SB 591**—A bill to be entitled An act relating to radiologic technology; providing a declaration of policy; providing definitions; prohibiting the use of x-rays and x-ray producing equipment by certain persons; creating a Radiologic Technology Board within the Radiological and Occupational Health Section, or its successor, of the Health Program Office of the Department of Health and Rehabilitative Services; providing for board membership, organization, and duties; providing for certain rules; providing for certification of persons as radiologic technologists; providing for approval of schools; providing for examinations and fees; providing qualifications for certification; providing for issuance, possession, and display of certification; providing for temporary certification; providing for certification based on prior experience or training; providing for duration, renewal, issuance, suspension, and revocation of certification; prohibiting certain actions and activities; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senator Renick—

**SB 592**—A bill to be entitled An act relating to regulation of stone crabs and blue crabs; amending ss. 370.13(2)(f) and 370.135(3), Florida Statutes, 1976 Supplement; providing for the working of traps during daylight hours and prohibiting the pulling of traps during certain hours; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Ware—

**SB 593**—A bill to be entitled An act relating to bank and trust companies; creating s. 659.292, Florida Statutes; authorizing convenience accounts, whereby a party may create an account designating one or more other persons as agent during his lifetime with the right to withdraw or make payments from the account; providing for the payment of funds upon the death or disability of the party creating the account; discharging a bank or trust company from liability for payments made under certain circumstances; providing the bank or trust company a right to set-off against the account; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Renick—

**SB 594**—A bill to be entitled An act relating to the bedding and relaying of oysters and clams; amending s. 370.16(17), Florida Statutes, 1976 Supplement; allowing clams to be relayed; providing for application to and a permit from the Division of Marine Resources of the Department of Natural Resources for the relaying of oysters or clams; authorizing the division to specify the time, areas, and amounts for relaying and determine public health danger; prohibiting the harvesting of relayed oysters or clams which originated in unapproved harvesting areas without written permission or public notice from the division; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Williamson—

**SB 595**—A bill to be entitled An act relating to mortgages; amending s. 697.01, Florida Statutes; defining the term "purchase-money mortgage"; creating s. 697.06, Florida Statutes; providing that mortgagors may prepay mortgages without penalty when the mortgage note is silent with respect to prepayment; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Williamson—

**SB 596**—A bill to be entitled An act relating to public defender; amending s. 27.52(1), Florida Statutes; providing that the Department of Legal Affairs promulgate an affidavit form for the provision of certain information; such affidavit to be filed with the court by all accused persons claiming insolvency; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Lewis (by request)—

**SB 597**—A bill to be entitled An act relating to collective bargaining; amending s. 447.203(9), Florida Statutes, 1976 Supplement; providing that the board of trustees of a community college is the legislative body for the purpose of collective bargaining; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Senator Don Childers—

**SB 598**—A bill to be entitled An act relating to public schools; amending s. 233.17, Florida Statutes; altering the term of adoption for instructional materials; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senators W. D. Childers, Trask, Glisson, Jon Thomas, Scott, Dunn and Lewis—

**SB 599**—A bill to be entitled An act relating to public accountancy; creating ss. 473.32-473.53, Florida Statutes, completely replacing the current chapter on Public Accountancy; providing for a State Board of Accountancy; providing for qualifications to become a certified public accountant; providing for reciprocity with respect to certified public accountants from other states; providing for the issuance of permits and requiring certified public accountants to periodically reestablish

their professional knowledge and competency through continuing professional education; requiring certified public accountants to register with the board; providing rules under which partnerships and professional service corporations of certified public accountants may practice; requiring such partnerships and corporations to register with the board; providing for the issuance of temporary permits; providing for the revocation or suspension of certificates, permits to practice, or temporary permits; providing for the revocation or suspension of registration of partnerships or corporations; providing procedures for enforcement; providing for reinstatement; prohibiting the use of titles indicating that a person, firm, or corporation is a CPA under certain circumstances; prohibiting unauthorized persons to attest that they are CPA's unless they have a permit; prohibiting CPA's from performing certain acts; providing exceptions; providing a procedure to enjoin violations of this chapter; providing a penalty; providing that a single act in violation of this chapter is enough to prove unlawful practice; providing for the ownership of a CPA's work product; prohibiting the issuance of occupational licenses in accountancy to persons who do not have a permit to practice; repealing ss. 473.011-473.31, Florida Statutes, which is the current law on public accountancy; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Senator Zinkil (by request)—

SB 600—A bill to be entitled An act relating to personnel of the school system; adding subsections (10) and (11) to s. 231.36, Florida Statutes, relating to dismissal or suspension of instructional, administrative, and supervisory personnel; specifying bases for bringing charges of incompetency; providing procedures for dismissal on basis of incompetency; requiring that employees so dismissed be offered any teacher aide vacancy; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Castor—

SB 601—A bill to be entitled An act relating to education; amending ss. 230.23(4)(n) and 236.081(6)(b), Florida Statutes, 1976 Supplement, to expand the transitional categorical program for the severely and profoundly retarded to include all profoundly handicapped children as defined by rules of the State Board of Education; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

By Senator Castor—

SB 602—A bill to be entitled An act relating to instructional aids; adding a new subsection (12) to s. 233.25, Florida Statutes, requiring publishers and manufacturers of instructional materials, with respect to any copyright held by the publisher or its agency, to give automatic permission to the Department of Education or its agencies for the reproduction of the material in Braille, large print, or as sound recordings for visually handicapped students as a prerequisite to providing such instructional materials to the state; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

By Senator Castor—

SB 603—A bill to be entitled An act relating to sentencing; creating s. 921.186, Florida Statutes, authorizing the court, in sentencing a convicted felon, to specify a minimum period of confinement before the felon becomes eligible for parole; amending s. 947.16(1), Florida Statutes, providing for the interview of an inmate by the Parole and Probation Commission during the 6-month period preceding the termination of the inmate's minimum period of confinement; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Myers—

SB 604—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act;

amending s. 893.13(1)(f), Florida Statutes; providing a penalty for possession or delivery of not more than 1 avoirdupois ounce of cannabis; amending s. 893.14(1), Florida Statutes, and adding subsection (3) to said section; providing for destruction of arrest or conviction records after a specified period; amending s. 893.15, Florida Statutes; eliminating conflicts; providing severability; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Judiciary-Criminal.

By Senator Jon Thomas—

SB 605—A bill to be entitled An act relating to the acquisition of environmentally endangered lands; requiring the Governor and Cabinet to acquire by eminent domain area within the Kissimmee Flood Plain for the restoration and dechannelization of the Kissimmee River; requiring the Department of Natural Resources to recommend definite boundaries of the area; requiring the Governor and Cabinet to establish definite boundaries; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Senator Hair—

SB 606—A bill to be entitled An act relating to the Division of Cultural Affairs; providing an appropriation for art grants; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Appropriations.

By Senator Jon Thomas—

SB 607—A bill to be entitled An act relating to real estate title instruments; providing for the giving of notice that an instrument prepared for the purpose of conveying, encumbering, or ensuring title to real estate was not prepared by a person licensed to practice law in this state; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Judiciary-Criminal.

By Senator Jon Thomas—

SB 608—A bill to be entitled An act relating to purchasing; creating s. 287.057, Florida Statutes; placing certain conditions upon the purchase of professional and technical services by the state and its agencies; providing for written agreement and for methods of billing for such services; providing that the conditions of this act do not apply to contracts for such services in effect on the effective date of this act; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Jon Thomas—

SB 609—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20(2)(a), Florida Statutes, 1976 Supplement, and adding paragraph (f) thereto, removing certain statutory language relating to the exemption on seating capacity and minimum size requirements granted to certain restaurants which serve alcoholic beverages which are part of publicly-owned or leased airports; exempting certain alcoholic beverage vendors operating in municipally-owned or leased airports from the quota alcoholic beverage license limitations; providing for the issuance of "Special Airport Licenses" and prohibiting transfer of such licenses; providing an exception; exempting Special Airport Licenses from certain requirements of law or rules promulgated thereunder; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Senator Jon Thomas—

SB 610—A bill to be entitled An act relating to pharmacists; amending ss. 465.071(1)(b) and (c) and s. 465.102, Florida Statutes; deleting reference to number of years of educational training necessary to qualify for examination; providing for waiver of internship requirements for certain persons; providing for acceptance of certain persons as interns; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Jon Thomas—

SB 611—A bill to be entitled An act for the relief of Miss Alice Murray; compensating her for injuries and losses sustained when she was attacked by rioters; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Senator Poston—

SB 612—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.06(2), Florida Statutes; eliminating certain fees and refunds relating to license plate transfer in the disposition of certain classes of motor vehicles; eliminating certain transfer fees with respect to the surviving spouse of a deceased registered motor vehicle owner; amending s. 320.08(2), (3), Florida Statutes, 1976 Supplement; altering the license fee structure with respect to automobiles for private use and certain trucks; amending s. 320.0805(7), Florida Statutes; eliminating transfer fees and refunds with respect to certain vehicles which have personalized prestige license tags; requiring payment of the registration license tax when the replacement vehicle to which the personalized prestige license plate is to be transferred is of a different weight classification; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator McClain—

SB 613—A bill to be entitled An act relating to determination of death; providing a standard for determining human death consistent with currently accepted medical standards; providing for applicability of the standard; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Jon Thomas—

SB 614—A bill to be entitled An act relating to title insurance; creating s. 627.787, Florida Statutes, prohibiting title insurers from issuing title insurance unless the title has been examined by an attorney licensed to practice law in this state; permitting commitments, guarantees, and title insurance policies to be issued based on prior title insurance policies; requiring the signature of a licensed attorney to be affixed to the policy or to the title report that is relied on by the title insurer or agent for its issuance; creating s. 627.788, Florida Statutes, prohibiting title insurers from preparing legal instruments necessary to be recorded for the insuring of the title unless the officer, employee, member, or agent of the title insurer is a person licensed to practice law in this state; requiring name and address of scrivener; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

Mr. President	Gallen	Johnston	Renick
Barron	Glisson	Lewis	Saylor
Castor	Gordon	MacKay	Scarborough
Chamberlin	Gorman	McClain	Scott
Childers, Don	Graham	Myers	Skinner
Childers, W. D.	Hair	Peterson	Spicola
Dunn	Henderson	Plante	Thomas, Jon
Firestone	Holloway	Poston	Thomas, Pat

Tobiassen  
Trask

Vogt  
Ware

Williamson  
Wilson

Winn  
Zinkil

Excused: Senator Pat Thomas at 11:50 a.m.

Prayer by the Rev. Msgr. Terrell F. Solana, Blessed Sacrament Church, Tallahassee:

Almighty, everliving God, it is you we praise for our State's one hundred and thirty-two years of life and growth. God of all gifts, gifts we cannot number; you have made us a people; you have given us a place . . . we call Florida. We praise you for everything that is true and beautiful about this place and its people.

Give us the wisdom to concentrate during this session not on the symptoms, but rather on the causes of our state problems. Provide us with firmness of purpose and perseverance to work intelligently and in the spirit of justice and charity towards the establishment of a better human order—one in which both the burdens and privileges of our state will be more equitably distributed.

We pray for strength to make officers in every branch of government accountable to all the people, fulfilling roles of service and responsibility.

May your Spirit heal all of our divisions and disunity. Help us to respect and prize and share with full acceptance the rich, various and different gifts of your great people, that we may work together for a common good, through Christ. Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Wednesday, April 6 and Thursday, April 7:

CS for SB's	CS for SB 53	SB 226	CS for SB 25
303 and 224	SB 139	SB 116	CS for SB 19
CS for SB 144	CS for SB 218	SB 96	SB 63
SB 277	SB 93	CS for SB 24	
SB 229	SB 265	SB 43	

Respectfully submitted,  
Tom Gallen  
Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 305

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 153

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 148 with 2 amendments, SB 164

The Committee on Judiciary-Criminal recommends the following pass: SB 281 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

##### Appointments Subject to Confirmation by the Senate

The Secretary of State on April 4, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, commissions subject to confirmation by the Senate had been prepared for the following:

R. V. Phillips, Haines City; Member, Florida Citrus Commission, for term ending May 31, 1979

Charles F. Wilson, Tampa; Member, State Board of Independent Colleges and Universities, for term ending August 18, 1977

Richard Herman Cate, Lake Worth; Member, Florida State Fair Authority, for term ending July 1, 1979

Jack R. Christmas, Apopka; Member, St. Johns River Water Management District, for term ending July 1, 1979

Charles Joseph Knowles, Leesburg; Member, Board of Oklawaha Basin Recreation and Control Authority, for term ending July 13, 1979

George G. Matthews, Palm Beach; Member, Game and Fresh Water Fish Commission, for term ending January 5, 1980

Donald G. Rhodes, Satellite Beach; Member, Game and Fresh Water Fish Commission, for term ending January 4, 1981

Arlen N. Jumper, Ocala; Member, Florida Citrus Commission, for term ending May 31, 1979

Walter S. McLin, III, Leesburg; Member, Board of Business Regulation, for term ending Pleasure of Governor

L. Nelson Donnell, Cocoa; Member, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools, for term ending July 1, 1979

Talbot D'Alemberte, Miami; Member, Board of Trustees, Miami-Dade Community College, for term ending May 31, 1979

Don L. Asher, Orlando; Member, Commission on Ethics, for term ending July 1, 1978

John Henry Logan, Sr., Bryson City, North Carolina; Member, Florida State Fair Authority, for term ending July 1, 1979

Dola P. Hall, Branford; Member, State Board of Cosmetology, District Three, for term ending June 27, 1977

Ed H. Price, Jr., Bradenton; Member, Commission on Ethics, for term ending July 1, 1977

Anthony J. Velong, Tarpon Springs; Member, Pinellas-Anclote River Basin Water Management Board of the Southwest Florida Water Management District, for term ending June 30, 1977

Marvin David Kahn, Sebring; Member, Florida Citrus Commission, for term ending May 31, 1979

George Ruppel, Pinellas Park; Member, Governing Board of the Southwest Fla. Water Management District, for term ending July 1, 1978

Mark K. Wheeler, Ft. Lauderdale; Member, State Board of Independent Post-Secondary Vocational Technical, Trade and Business Schools, for term ending July 1, 1979

Murray W. Overstreet, Jr., Kissimmee; Member, Board of Trustees, Valencia Community College, for term ending May 31, 1980

Alfonso Levy, Lake City; Member, Board of Trustees, Lake City Community College, for term ending May 31, 1978

W. R. Hancock, Leesburg; Member, Florida Citrus Commission, for term ending May 31, 1979

Vincent C. Reno, Miami; Member, State Board of Cosmetology, District Five, for term ending June 27, 1977

Violet M. Llana, Tampa; Member, Board of Cosmetology, District Four, for term ending June 27, 1980

Norbert E. Touchette, Miami; Member, State Board of Examiners of Nursing Home Administrators, for term ending June 2, 1980

Clinton Hamilton, Ft. Lauderdale; Member, State Board of Independent Colleges and Universities, for term ending August 18, 1979

Richard T. Dillon, St. Petersburg Beach; Member, State Board of Independent Colleges and Universities, for term ending March 20, 1979

L. Grace Bliss, Auburndale; Member, State Board of Cosmetology, District Two, for term ending June 27, 1980

Latimer H. Turner, Sarasota; Member, Florida State Fair Authority, for term ending July 1, 1980

L. Don Combs, Boynton Beach; Member, Board of Funeral Directors and Embalmers, District Five, for term ending July 22, 1980

Helen K. Leslie, St. Petersburg; Member, Florida Elections Commission, for term ending December 10, 1979

William H. Adams, III, Jacksonville; Commissioner, Promotion of Uniformity of Legislation, for term ending June 5, 1979

Ray L. Mercer, Bunnell; Member, Board of Trustees of the Daytona Beach Community College, for term ending May 31, 1978

Jack B. Critchfield, Winter Park; Member, State Board of Independent Colleges and Universities, for term ending August 25, 1979

Laurel J. Chadwick, Tierra Verde; Member, Board of Examiners of Nursing Home Administrators, for term ending July 7, 1980

Doyle E. Carlton, Jr., Tampa; Member, Florida State Fair Authority, District Eight, for term ending July 1, 1980

James C. Smith, Tallahassee; Member of the Board of Regents, for term ending January 1, 1986

Anne E. Kelley, Temple Terrace; Member, Florida Elections Commission, for term ending December 10, 1977

L. K. Ireland, Jr., Tallahassee; Member, State Retirement Commission, for term ending December 31, 1977

Mildred Wigfall Ravenell, Tallahassee; Member, Board of Business Regulation, for term ending Pleasure of Governor

B. C. Townsend, Jr., St. Augustine; Member, St. Johns River Water Management District, for term ending July 1, 1979

Jack L. McLean, Jr., Tallahassee; Member, Public Employees Relations Commission, for term ending July 1, 1978

Jack G. Whiddon, Tallahassee; Member, Florida State Fair Authority, for term ending July 1, 1980

James W. Matthews, Miami; Member, Florida Elections Commission, for term ending December 10, 1979

James F. McKillips, Miami Beach; Member, Florida Elections Commission, for term ending December 10, 1979

Helen Jean Connors, Inverness; Member, Board of Trustees, Central Florida Community College, for term ending May 31, 1979

Elmer O. Friday, Jr., Tallahassee; Chairman, Industrial Relations Commission, for term ending Pleasure of Governor

Delmar B. Drawdy, Sr., Tampa; Member, Tampa Port Authority, for term ending November 15, 1980

Arthur C. Canaday, Tallahassee; Member, Industrial Relations Commission, for term ending Pleasure of Governor

L. L. Copenhaver, Port St. Joe; Member, Career Service Commission, for term ending November 22, 1979

Leonard A. Carson, Tallahassee; Member, Public Employees Relations Commission, for term ending July 1, 1978

Mary I. Pierce, St. Augustine; Member, Historic St. Augustine Preservation Board, for term ending August 31, 1978

Wallace F. King, Pensacola; Chairman, Florida Elections Commission, for term ending December 27, 1976

Benjamin A. Johnson, Jacksonville; Member, Florida Elections Commission, for term ending December 10, 1977

Charles A. Whitehead, Panama City; Member, Board of Trustees, Gulf Coast Community College, for term ending May 31, 1978

R. H. Montney, Jacksonville; Member, Jacksonville Port Authority, for term ending October 1, 1980

Catherine W. Chapin, Tampa; Member, Career Service Commission, for term ending November 22, 1980

Edwin G. Fraser, Macclenny; Member, Career Service Commission, for term ending November 22, 1978

Daniel B. McCormick, Wildwood; Member, Board of Trustees, Lake-Sumter Community College, for term ending May 31, 1979

Ralph Bernard Parrish, Jr., Tallahassee; Member, Game and Fresh Water Fish Commission, for term ending January 6, 1982

William B. Wagner, Jr., Edgewater; Member, Firefighters Standards and Training Council, for term ending January 10, 1980

William E. Felts, Pensacola; Member, Firefighters Standards and Training Council, for term ending May 14, 1980

Harold E. Henderson, Wauchula; Member, Board of Trustees, South Florida Junior College, for term ending May 31, 1979

Walter L. Revell, Miami Lakes; Member, Historic Key West Preservation Board of Trustees, for term ending October 18, 1980

Stephan P. Mickle, Gainesville; Member, Board of Trustees of the Santa Fe Community College, for term ending May 31, 1979

Arthur F. Mathias, Haines City; Member, Prison Industry Commission, for term ending December 15, 1979

Clarice F. Biggins, Daytona Beach; Member, Prison Industry Commission, for term ending December 15, 1978

Ralph W. Cellon, Jr., Alachua; Member, Prison Industry Commission, for term ending December 15, 1980

Ralph E. Marsicano, Tampa; Member, Board of Funeral Directors and Embalmers, for term ending July 25, 1980

Howard Odom, Marianna; Member, Northwest Florida Water Management District, for term ending July 1, 1977

Herbert C. Beacham, Tallahassee; Member, Prison Industry Commission, for term ending December 15, 1979

Derrill S. McAteer, Brooksville; Member, Governing Board, Southwest Florida Water Management District, for term ending July 1, 1980

Nicholas A. Pender, Jr., Tampa; Member, Governing Board, Southwest Florida Water Management District, for term ending July 1, 1978

Robert Martinez, Tampa; Member, Governing Board of the Southwest Florida Water Management District, for term ending July 1, 1980

N. Brooks Johns, Lakeland; Member, Governing Board, Southwest Florida Water Management District, for term ending July 1, 1980

Thomas E. Bronson, Tampa; Member, Prison Industry Commission, for term ending December 15, 1978

William B. Thomas, Orlando; Member, Firefighters Standards and Training Council, for term ending December 1, 1980

Claude O. Godwin, Titusville; Member, St. Johns River Water Management District, for term ending July 1, 1979

Hoyt Charles, Lakeland; Member, Alafia River Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1979

Thomas F. Lang, Orlando; Member, Public Employees Relations Commission, for term ending July 1, 1980

H. Michael Dye, Tallahassee; Member, Board of Examiners of Nursing Home Administrators, for term ending December 31, 1979

John R. Graw, Ocala; Member, Southwest Florida Water Management District, for term ending July 1, 1979

Maurice Lee Plummer, Fort Myers; Member, South Florida Water Management District, for term ending July 1, 1979

Raymond R. Pierce, Elfers; Member, Pinellas County-Anclote River Basin Board of Southwest Florida Water Management District, for term ending June 30, 1978

Charles P. Barnes, Crystal River; Member, Crystal River-Homosassa River Basin Board, for term ending June 30, 1979

William E. McCarter, Lakeland; Member, Peace River Basin Board, for term ending June 30, 1979

William M. Walters, Marco Island; Member, Big Cypress Basin Board, South Florida Water Management District, for term ending June 30, 1978

William L. Barton, Naples; Member, Big Cypress Basin Board, South Florida Water Management District, for term ending June 30, 1977

Bernard Yokel, Naples; Member, Big Cypress Basin Board of the South Florida Water Management District, for term ending June 30, 1978

Agnes S. Ciolfi, Hialeah; Member, Board of Examiners of Nursing Home Administrators, for term ending January 16, 1980

W. Don Carr, St. Petersburg; Member, Pinellas County-Anclote River Basin Board, for term ending June 30, 1979

Frank D. Jackson, II, Tampa; Member, Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1979

Mary M. Mauldin, Panama City; Member, Board of Trustees, Florida School for Deaf and Blind, for term ending December 10, 1980

Tom K. Dougherty, Clermont; Member, South Lake County Hospital District Board of Trustees, for term ending July 5, 1979

Vasco Peeples, Punta Gorda; Member, Peace River Basin Board, Southwest Florida Water Management District, for term ending June 30, 1979

Russell Eugene Kiser, Immokalee; Member, Big Cypress Basin Board of the South Florida Water Management District, for term ending June 30, 1979

Kyle E. Lockeby, Jr., Daytona Beach; Member, Board of Examiners of Nursing Home Administrators, for term ending December 28, 1980

John Edward Price, Jr., Immokalee; Member, Big Cypress Basin Board, South Florida Water Management District, for term ending June 30, 1979

Charles A. Root, Winter Garden; Member, Oklawaha River Basin Board of the St. Johns River Water Management District, for term ending June 30, 1979

A. Sterling Hall, Bradenton; Member, Manasota Basin Board, for term ending June 30, 1979

Pauline Hicks, Jacksonville; Member, Board of Trustees, Florida School for Deaf and Blind, for term ending November 19, 1980

H. E. Simmons, Daytona Beach; Member, Ponce De Leon Port Authority, Volusia County, for term ending February 1, 1981

Byron S. Hollinshead, New Smyrna Beach; Member, Ponce De Leon Port Authority, Volusia County, for term ending February 1, 1981

Douglas L. Stowell, Tallahassee; Member, Public Employees Relations Commission, for term ending July 1, 1979

Wallace C. Mayo, Pensacola; Member, Board of Trustees, Pensacola Community College, for term ending May 31, 1978

George R. McElvy, Tampa; Member, Tampa-Hillsborough County Expressway Authority, for term ending July 1, 1980

John MacRae Finlayson, Greenville; Member, Suwannee River Water Management District, for term ending July 1, 1979

Charles V. Doolittle, Jacksonville; Member, Firefighters Standards and Training Council, for term ending December 20, 1980

Wendell W. Williams, Avon Park; Member, Board of Trustees of the South Florida Junior College, for term ending May 31, 1977

Helen T. Thompson, St. Petersburg; Member of the Southwest Florida Water Management District, for term ending July 1, 1980

Lynn S. Blow, Monticello; Member, Board of Trustees of the North Florida Community College, for term ending May 31, 1979

Betty Toombs Rushton, Sarasota; Member, Manasota Basin Board, for term ending June 30, 1979

—which were referred to the Committee on Executive Business.

The Secretary of State on April 5, 1977 certified that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Julia Rice, Miami; Member, Board of Examiners of Nursing Home Administrators, for term ending January 16, 1981

—which was referred to the Committee on Executive Business.

On motion by Senator Gallen, the Senate reverted to—

## REPORTS OF COMMITTEES

The Honorable Lew Brantley  
President  
The Florida Senate

Dear Mr. President:

Your Committee on Rules and Calendar recommends revisions in Senate Rules 1.1, 1.3, 1.10, 1.11, 1.19, 1.27, 2.3, 2.10, 2.15, 3.13, 4.3, 4.6, 4.8, 4.9, 4.17, 7.6, 9.2 and 9.6 which are attached hereto.

Respectfully submitted,  
Tom Gallen  
Chairman

### 1.1—Election of the President, President Pro Tempore, Minority Leader, and Minority Leader Pro Tempore

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At the a regular session prior to the organization session the Majority Party may, by caucus called by the President, elect a Majority Leader (President Designate) and a Majority Leader Pro Tempore (President Pro Tempore Designate), and their names shall be certified to the Secretary of the Senate. At the organization session, the Minority Party shall by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

### 1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, he may clear the area. Unless authorized by the President, no food, newspapers or other items shall be permitted in the Senate Chamber while the Senate is in session.

### 1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first day of each session of the legislature and shall be distributed by the Secretary for the information of the legislature and the public. He shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. He shall not permit any records or papers belonging to the Senate to be removed from his custody other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

#### 1.11—Prepares daily calendar

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on

each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitutes; (3) the status of each bill, i.e., whether on second or third reading; and (4) notices of committee meetings. *The Secretary shall distribute the daily calendar for the information of the legislature and the public.*

### 1.19—Sergeant at Arms; election and duties

A Sergeant at Arms of the Senate shall be elected for a period of two (2) years, pursuant to the provisions of section 11.15, Florida Statutes. The Sergeant at Arms shall be under the supervision of the President. He shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office.

The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the President or other presiding officer; he shall execute the commands of the President of the Senate and of the Senate, and all processes issued by authority thereof. The Sergeant shall have charge of all property of the Senate and shall will disburse the expendable materials to Senators for their official use; he shall distribute the number of Journals and Calendars certified to him by the Secretary of the Senate. The Sergeant shall have general charge of the gallery of the Senate and shall maintain order therein and shall police the Chamber and committee rooms of the Senate and shall be responsible therefor.

### 1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the legislature because of failure to be re-elected at the polls shall be entitled to a two-week amicable transition period in which to close out the affairs of his office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. The Secretary of the Senate shall provide a former Senator with necessary forms with which to apply for transitional funds provided pursuant to this rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. Upon proper application by the aide of a deceased Senator, a two-week transitional period with pro rata salary for the staff may be approved by the President to close out the deceased's Senate office affairs.

### 2.3—Committee reports prior to session, availability of records and reports

Before a regular session of the legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation, and file same with the President of the Senate and the Secretary of the Senate.

Before a regular session of the legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation, and submit same to the chairman of the standing committee for consideration by such committee.

Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information prepare a report on the public business assigned to it since the regular session of the preceding year and submit same to the President. The records and reports of standing committees and the subcommittees thereof shall be available in the same manner as the reports and records of state agencies. Provided, however, that this rule shall not affect legislative records specifically protected by law; and activities undertaken pursuant to Rule Twelve, Part One. Records of oversight investigations of state agencies and other units of government may be excluded from this rule until a report is filed.

### 2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate Sergeant



at Arms on a bulletin board provided for this purpose in the public corridor leading into the Senate Chamber. The committee chairman may arrange with the Committee on Rules and Calendar and the Sergeant at Arms for evening or other special meetings. No committee except the committee on Rules and Calendar shall meet while the Senate is in session without the consent of the Senate.

### 2.15—Standing committee duties in deliberation

It shall be the duty of standing committees to report all matters referred to them either (a) favorably, (b) favorably with committee amendment, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably.

Such reports shall also reflect (e) the time and place of the meeting at which the action was taken, and (f) the vote of each member of the committee on the motion to report each bill or resolution. A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report required by items (e) and (f). Reports of committees shall be preserved pursuant to law.

All matters referred to standing committees shall be reported by said committees with their recommendations; and after such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by two-thirds (2/3) vote of the Senators present and voting in session.

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). A Senate committee may not recommend a Senate committee substitute for a House bill. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee or reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee secretary on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original.

All standing committee reports shall be signed by the chairman or, in his absence, the vice-chairman and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day *except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second legislative day.* These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be typewritten in full on amendment forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

### 3.13—Fiscal notes

Upon being favorably reported by the Committee on Appropriations, all general bills or joint resolutions affecting revenues, expenditures, or fiscal ~~liability~~ liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures and the present and future fiscal implications of the bill or joint resolution. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

The staff of the Committee on Appropriations shall be responsible for preparing fiscal notes and shall solicit the cooperation of appropriate state agencies for necessary data.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate in the same manner as printed bills.

If a bill or joint resolution affecting revenues, expenditures, or fiscal liability is reported favorably by the Committee on Appropriations without a fiscal note, a Senator may raise a point of order on second reading, and the President shall order return of the bill or joint resolution to the Committee on Appropriations. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion.

### 4.3—Daily order of business

The daily order of business shall be as follows:

1. Roll call
2. Prayer
3. Reports of committees
4. Motions relating to committee reference
5. Messages from the Governor and other executive communications
6. Messages from the House of Representatives
7. Matters on reconsideration
8. Special Order as determined by the Committee on Rules and Calendar
9. Consideration of bills on third reading
10. Consideration of bills on second reading
11. Correction and approval of Journal

The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

At 8:30 a.m. every legislative day, the President, President Pro Tempore, or member of the Senate designated by the presiding officer shall call the Senate to order for the sole purpose of conducting the order of business of "Introduction and reference of Resolutions, Memorials, Bills, and Joint Resolutions" (*including House measures received by the Senate for first reading*). During this period, the chairman of the Committee on Rules and Calendar or his designate from such Committee and the Minority Leader or his designate from his party shall attend. A list of the bills, reflecting the number and title of each, and the referencing thereof, shall be delivered to each Senator no later than noon of the day of such referencing. The adoption of this rule shall constitute a waiver of so much of article III, section 7 of the Constitution of the State of Florida as pertains to the first reading of a bill.

Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

### 4.6—Reference generally; final day for introduction of bills

All bills, including those that are strictly local in nature and those prefiled in accordance with these Rules, shall be referred by the President to appropriate committees or standing subcommittees. *Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or his disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.* The President may refer a bill introduced by a standing committee to the calendar. If the President has not previously designated a standing subcommittee of reference, the chairman of the standing committee shall promptly determine whether

such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chairman. The chairman, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chairman of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose. The reference of a bill that is local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is, in fact and function, local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects no more than one county. When the Committee on Rules and Calendar has determined a bill is in fact and law a local bill, it shall be reported and referred to the calendar on local bills.

Except for the general appropriations bill, Senate general bills and joint resolutions, filed for introduction after the eighteenth (18th) day of the regular session shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session. The Secretary shall not assign a current session number to such bills but shall number them to provide identity and control until a permanent number can be affixed. These bills and joint resolutions shall be known as prefiled bills and considered in accordance with these Rules. A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill or joint resolution notwithstanding this Rule, and recommendation must be reported back to the Senate not later than the next legislative day.

#### 4.8—Reference to Appropriations and Finance, Taxation and Claims Committees; claim bills

All bills authorizing or substantially affecting appropriations shall be referred to the Committee on Appropriations. All bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Finance, Taxation and Claims. A bill not referred to either committee by operation hereof, but which is subsequently amended to reasonably respond to criteria enunciated herein ~~may be referred to either committee at the discretion of the President~~ shall immediately be referred to the Committee on Appropriations or the Committee on Finance, Taxation and Claims. The bill, if then reported favorably, shall be returned at the same reading as when referred.

Claim bills shall be first referred to a Senate Special Master on Claims who shall conduct a hearing in accordance with the Rules of the Senate having the strictest requirement of notice. The Special Master shall administer an oath to all witnesses, preserve a recording of proceedings (but withhold the transcription until ordered to transcribe by the President), and prepare a final report containing his recommendations based on findings of fact and conclusions of law. The report shall be signed by the Master who shall be available to report orally to committees or the Senate. On receipt of the Master's report and recommendation, the President shall refer each claim bill with the report attached to the Committee on Finance, Taxation and Claims, the provisions of the first paragraph of this Rule to the contrary notwithstanding.

#### 4.9—Reference of resolutions and veto messages

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference. *All veto messages shall be referred to the Committee on Rules and Calendar.*

#### 4.17—Special Order Calendar, Consent Calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension directed by the membership of the legislature as permitted under the Constitution, the Committee on Rules and Calendar, or when designated by the committee, the chairman of the committee or his designee, the minority leader or his designee and one (1) other member of the committee designated daily by the chairman shall on each day submit a

Special Order Calendar determining the priority for consideration of bills. *During the first fifty (50) days of a regular session, except for the first day, each Special Order Calendar shall be for the next second succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for special order on the previous legislative day.* No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of the Senators present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of the Special Order Calendar by the same vote. All bills set as special order for consideration at the same hour shall take precedence in the order in which they were given preference.

A vote of two-thirds (2/3) of the Senators present shall be required to establish a Special Order except as provided in this Rule. *During the first fifty (50) days of a regular session, notice of the time and place for the establishment of the Special Order shall be given.*

The Committee on Rules and Calendar, with the approval of the President, may submit a consent bill calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the consent calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily passed, it retains its order on the regular calendar. A Senator may designate only a bill that he sponsors or a House bill for the consent calendar. A committee chairman may designate a committee bill sponsored by his committee. All consent calendar bills must have appeared on the printed Senate calendar.

#### 7.6—Printing in Journal

All amendments *taken up* adopted by the Senate *unless withdrawn* shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

#### 9.2—Method of registration

Every such person shall register on forms prepared by the Secretary and shall state under oath his name and business address, the name and business address of his principal or principals, ~~the general and specific areas of his legislative interests, and the duration of his agency.~~ *The Secretary or a deputy in the Office of the Secretary is authorized to acknowledge the oath of those registering in person.*

The Secretary shall publish ~~in the journal~~ a list of those filing the registration statements under this Rule together with the information contained therein on the first Monday of the session and weekly thereafter. No registered lobbyist shall be permitted on the floor of the Senate while it is in session.

#### 9.6—Ethics Committee Advisory opinions

A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

Senator Gallen moved that the report by the Committee on Rules and Calendar be adopted.

Senator Saylor offered the following amendment which was adopted:

Amendment 1—Rule 3.13—Fiscal Notes, 2nd paragraph, is amended to read:

#### 3.13— Fiscal Notes

The staff of the Committee on Appropriations shall be responsible for preparing fiscal notes *except on those bills af-*



fecting any state retirement system, which shall be prepared by the staff of the Committee on Personnel, Retirement and Collective Bargaining after consultation with an actuary who is a member of the Society of Actuaries and shall solicit the cooperation of appropriate state agencies for necessary data.

Senator Graham offered the following amendment:

**Amendment 2—1.1—Election of the President, President Pro Tempore, Minority Leader, and Minority Leader Pro Tempore (Is Amended to Read)**

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At the a regular session prior to the organization session the Majority Party may, by caucus called by the President, elect a Majority Leader (President Designate) and a Majority Leader Pro Tempore (President Pro Tempore Designate), and their names shall be certified to the Secretary of the Senate. At the organization session, the Minority Party shall by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur. *Provided, however, that the President and President Pro Tempore of the Senate shall not be permitted to succeed themselves in office.*

Amendment 2 failed by the following vote:

**Yeas—17**

Castor	Gordon	MacKay	Wilson
Chamberlin	Graham	Plante	Winn
Childers, Don	Henderson	Saylor	
Dunn	Holloway	Scott	
Firestone	Johnston	Spicola	

**Nays—21**

Mr. President	Hair	Renick	Vogt
Barron	Lewis	Scarborough	Williamson
Childers, W. D.	McClain	Skinner	Zinkil
Gallen	Myers	Thomas, Jon	
Glisson	Peterson	Tobiassen	
Gorman	Poston	Trask	

Senator Poston offered the following amendment which was adopted:

**Amendment 3—12.8—Special Master: appointment**

*Upon the recommendation of the Committee on Executive Business, the Senate President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he shall prescribe. The Special Master shall not be an employee or attaché under Senate Rule One, Part Three, Sections 1.27, 1.28, 1.29, 1.30 or 1.31.*

Senator Firestone offered the following amendment which failed:

**Amendment 4—1.43—Records (Shall be created to read):**

*The records of Senators shall be available for public inspection in the same manner as the records of state agencies. This rule shall not affect records specifically protected by law or Rule Twelve, part one.*

Senator MacKay offered the following amendment which failed:

**Amendment 5—Rule 4.8—Reference to Appropriations and Finance, Taxation, and Claims Committees; claim bills, is amended to read: (first paragraph)**

**4.8—Reference to Appropriations and Finance, Taxation, and Claims Committees; claim bills**

All bills authorizing or substantially affecting appropriations shall be referred to the Committee on Appropriations. All bills authorizing or substantially affecting tax revenue shall be referred to the Committee on Finance, Taxation and Claims. A bill not referred to either committee by operation hereof, but which is subsequently amended to reasonably respond to criteria enunciated herein ~~may be referred to either committee at the discretion of the President~~ shall immediately be referred to the Committee on Appropriations or the Committee on Finance, Taxation and Claims. The bill, if then reported favorably, shall be returned at the same reading as when referred.

Senator Johnston offered the following amendment which failed:

**Amendment 6—In Rule 4.9, strike the last sentence and insert: All veto messages shall be referred to a standing committee.**

Senators Wilson and Castor offered the following amendment which was moved by Senator Castor and failed:

**Amendment 7—On page 51, strike all of Rule 10.5.**

Senator Graham offered the following amendment which failed:

**Amendment 8—3.14—Economic Impact Statements, is created to read**

All general bills or joint resolutions shall be accompanied by an economic impact statement. Economic impact statements shall reflect:

1. A description of the action proposed, the purpose for taking the action and the plan for implementing such action.
2. A determination of the least-cost method for achieving the stated purpose.
3. A comparison of the cost-benefit relation of the action to nonaction.
4. A determination whether the action represents the most efficient allocation of public and private resources.
5. A determination of the effect of the action on competition.
6. A conclusion as to the economic impact of the proposed action on preserving an open market for employment.
7. A conclusion as to the economic impact upon all persons directly affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

The Staff of the first committee to which a bill is referred shall be responsible for preparing economic impact statements and shall solicit the cooperation of appropriate state agencies for necessary data.

Economic impact statements shall be regarded as memoranda of factual information and shall be made available to members of the Senate in the same manner as printed bills.

If a committee determines that there is either no net increased cost of compliance to any person directly affected by the bill or no net increased cost to the agency responsible for administration, enforcement, or implementation of the legislation, the estimate of economic impact shall reflect each such conclusion separately and the basis for each such conclusion.

If the committee finds, after a good faith effort, that it is impossible to determine any factor listed above, the statement shall reflect a description of the efforts to determine such factor and the specific reasons why the committee was unable to determine such factor.

An economic impact statement prepared for a Senate Bill or joint resolution shall be presumed as prepared for its house companion.

Senator Gallen moved that the rules be waived and time of adjournment be extended until final consideration of the report of the Committee on Rules and Calendar.

Senator Barron moved as a substitute motion that the rules be waived and time of adjournment be extended until final consideration of the report of the Committee on Rules and Calendar and the motion to reconsider the vote by which Amendment 2 to CS for SB's 303 and 224 was adopted April 5. The substitute motion was adopted.

Senator Graham offered the following amendment which failed:

**Amendment 9**—Rule 4.17 on page 38, lines 14-16, strike all underlined language and insert: All rules governing the conduct of committees shall apply to the Committee on Rules and Calendar or its designees in its establishment of the Special Order Calendar.

Senators Graham, Plante and W. D. Childers offered the following amendment which was moved by Senator Graham and adopted:

**Amendment 10**—Rule 4.17 on page 38, line 14-16, strike all underlined language and insert: notice of time and place for the establishment of the Special Order shall be published in the daily calendar. Provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

Senators Barron, Gordon, Plante and MacKay offered the following amendment which was moved by Senator Barron and adopted:

**Amendment 11**—On page 34, Rule 4.6, strike "The President may refer a bill introduced by a standing committee to the calendar."

Senators Dunn, MacKay, Graham, Johnston and Wilson offered the following amendment which was moved by Senator Dunn:

**Amendment 12**—On page 18, Rule 2.20, insert: 2.20 Appointment of Chairman and Vice-chairman.—A Chairman and a Vice-Chairman of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year ~~and shall continue in office at the pleasure of the President.~~ The President shall also appoint a chairman for each standing subcommittee authorized by these Rules and may designate a vice-chairman, ~~both of whom shall continue in office at the pleasure of the President. Such officer shall serve for 2 years. The President may remove a chairman or vice-chairman for good cause. If the President removes a chairman or vice-chairman, he shall give written notice to the chairman or vice-chairman of the action and the reasons therefor. Within seven days from the receipt of such notice, the chairman or vice-chairman may file a written request with the Committee on Rules and Calendar to review the action of removal. The Committee on Rules and Calendar shall hear the request of the removed Chairman or Vice-Chairman within 5 days after receipt of the request if the Senate is in regular session or within 15 days after receipt of the request if the Senate is not in regular session. By majority vote of the Committee on Rules and Calendar the Committee shall, after appropriate public hearing, affirm or reject the action of removal taken by the President. If the committee affirms the removal, the Chairman or Vice-Chairman shall stand removed. If the committee rejects the removal, the Chairman or Vice-Chairman shall be reinstated to his committee office.~~

Amendment 12 failed by the following vote:

Yeas—13

Castor  
Chamberlin  
Childers, Don  
Dunn

Firestone  
Glisson  
Graham  
Johnston

MacKay  
Myers  
Plante  
Williamson

Wilson

Nays—25

Mr. President  
Barron  
Childers, W. D.  
Gallen  
Gordon  
Gorman  
Hair

Henderson  
Holloway  
Lewis  
McClain  
Peterson  
Poston  
Renick

Sayler  
Scarborough  
Scott  
Skinner  
Spicola  
Thomas, Jon  
Tobiassen

Trask  
Vogt  
Ware  
Zinkil

On motion by Senator Gallen the report of the Committee on Rules and Calendar as amended by amendments 1, 3, 10 and 11 was adopted.

(Note: The Senate rules as amended will be shown in full in the Journal of Thursday, April 7.)

#### Point of order

Senator Barron raised a point of order that the motion to reconsider Amendment 2 to Committee Substitute for Senate Bills 303 and 224 would not carry over on reconsideration because Rule 6.4 provides, in part: "Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned."

The President ruled the motion would carry over because an amendment is a collateral matter as described in Rule 6.7 and not a "main question" as defined in Rule 6.4. Rule 6.7 states, in part: "A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related..." therefore the amendment would be available for reconsideration because the committee substitute would remain on second reading. The President ruled the point out of order.

On motion by Senator Hair, the rules were waived and the Committee on Judiciary-Civil was granted permission to meet this day from 1:45 p.m. until 5:00 p.m. in lieu of 1:00 p.m. to 3:00 p.m.

#### CO-INTRODUCERS

Senators Hair and Ware—SB 568; Senator Winn—Senate Bills 209, 254 and 263; Senators Sayler and Zinkil—SB 265; Senator Dunn—SB 401

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 5 was corrected and approved as follows:

Page 78, column 1, line 28, strike "90" and insert: 98

On motion by Senator Myers, the Senate adjourned at 12:50 p.m. to convene at 8:30 a.m., April 7, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m.